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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,658	04/22/2004	Tarik Hodzic	HODZIC	6819
20151	7590	06/10/2005	EXAMINER	
HENRY M FEIEREISEN, LLC 350 FIFTH AVENUE SUITE 4714 NEW YORK, NY 10118			MOHANDESI, IRAJ A	
			ART UNIT	PAPER NUMBER
			2834	

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/829,658

Applicant(s)

HODZIC ET AL.

Examiner

Iraj A. Mohandesi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 April 2004.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-13, 15-25 and 28-30 is/are rejected.  
7) ☒ Claim(s) 14, 26 and 27 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 04/22/2004.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application DE 103 18 297, filed on 04/22/2003. ***Information Disclosure Statement***

2. The information disclosure statement (IDS) submitted on 04/22/2004. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the Examiner is considering the information disclosure statement.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4,6,10,18 and 28-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Carrera US patent 4,514,065.

Regarding claim 1,18 and 28-30,Carrera'065 discloses an apparatus having movable member with actuator (see abstract and column 4,line 46) comprising; a body comprised of at least one secondary member for defining a guide way (14,16 see Fig. 1) a cover including magnetizable material (38b , magnetic layer ,ferrous oxide ,column 4,line 4, Fig. 1A) and an anti-skid layer disposed between the secondary member and the cover ( 28b, plastic layer ,column 4,line 4, Fig. 1A).

Regarding claims 2-4,6 and 10 Carrera'065 discloses an apparatus having movable member with, wherein the anti-skid layer inherently adheres to the secondary member (this layer must be sticking to the secondary member, otherwise they fall), wherein the anti-skid structure layer includes a surface (see Fig. 1A).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-9, 20 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrera US patent 4,514,065 and Takaya US patent 4,278,851.

Carrera'065 teaches all limitation of claimed invention except, the anti-skid layer contains silicone and comprised of at least two different materials such as silicone and rubber and the anti-skid layer has a thickness of up to 0.2 mm and the surface structure has a serrated or mesh-like or a nap-like configuration and the cover has a saturation induction of maximal 1.5 Tesla, 0.3 and  $\frac{3}{4}$  of 1.3.

Regarding claims 7-9 and 20 Takaya US patent 4,278,851 discloses a piezoelectric device having two layers of rubber and silicone (non-magnetic material column 5, line 50).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Carrera'065 apparatus with two layers of rubber

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and silicone as taught by Takaya'851 for the purpose of reducing the resonance frequency

7. Claims 15-17, 19, 21, 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carrera US patent 4,514,065 and Takaya US patent 4,278,851 and further in view of Stoibler US patent 6,56,771.

Regarding claims 15-17, 19, 21, 22 and 25 Stoibler'771 discloses a linear motor having a secondary member (80) with a cover (40) having a saturation induction a saturation induction of maximal 1.5 Tesla, 0.3 and  $\frac{3}{4}$  of 1.3 ( see column 2 ,line 25-43).

Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Carrera'065 and Takaya, 851 apparatus with a cover having for the purpose of reducing the loss of magnetic material. Claims 5, 11-13, 23 and 24 are rejected.

8. It would have been also obvious to one having ordinary skill in the art at the time the invention was made as a matter of design choice to provide the anti-skid layer with a thickness of up to 0.1 , 0.2 mm and the surface structure as a serrated or mesh-like or a nap-like configuration for the purpose of thin layering and increasing the friction of the surface ,since such a modification would have involved a mere change in size and shape of a component a change in size and shape is generally recognized as being within the level of ordinary skill in the art. In re Rose 105 USPQ 237 (CCPA 1955).

***Allowable Subject Matter***

9. Claim 14,26 and 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

10. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of the record in particular combination of Carrera'065 and Takaya'851 do not teach or suggest a supporting structure for a body comprised of at least one secondary member for defining a guide way for a rotor of the linear motor; a cover including magnetizable material for the guide way including inter alia , an anti-skid layer ,which has a configuration in the form of parallel strips to define channels for drainage of liquid.

Regarding claim 26 and 27 ,the prior art of the record in particular combination of Carrera'065 and Takaya'851 do not teach or suggest a supporting structure for a body comprised of at least one secondary member for defining a guide way for a rotor of the linear motor; a cover including magnetizable material for the guide way including inter alia , an anti-skid layer has a surface provided with a length scale extending along the guide way ,wherein the length scale is disposed in center of the guide way.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Iraj A. Mohandesi whose telephone number is 571-272-2028. The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 571-272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IM June 6,2005

  
DARREN SCHUBERG  
SUPERVISORY PATENT EXAMINER  
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